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SUBJECT: UNMIS ELECTIONS CHIEF: FEBRUARY 2010 ELECTIONS "VERY
CHALLENGING" BUT DOABLE

Refs: A. Khartoum 562

[1](#)B. Khartoum 535

[1](#)C. Khartoum 414

[1](#)D. Khartoum 393

[1](#)1. (SBU) Summary. Sudan's National Electoral Commission (NEC) has decided that elections will take place in February 2010 and has issued a planning calendar to reflect preparation that must occur in order to achieve that date. UNMIS Electoral Affairs Chief Ray Kennedy said that meeting that date will be "very challenging" but feasible if the NEC is willing to accept international assistance. The NEC's calendar allows for some slippage on constituency delimitation and voter registration, but voter registration will occur during the rainy season under any scenario if elections take place in February. Kennedy also stressed the importance of the parties agreeing on the southern Sudan Referendum Bill so that Referendum preparations can go forward. End Summary.

[1](#)2. (SBU) UNMIS Chief Electoral Affairs Officer Ray Kennedy characterized February 2010 Sudanese elections as "very challenging, but logistically and operationally feasible if the National Electoral Commission (NEC) is open to assistance" in a meeting with poloff on April 27. The long-awaited official electoral calendar, which stipulates that elections will be held in February 2010, was publicly released by the National Electoral Commission (NEC) on April 2. [Note: Kennedy was out of town when the calendar was released, but lamented that no one from UNMIS Electoral Affairs was invited to the NEC's press conference. End Note]. It calls for electoral preparation and conduct in the following sequence on the following dates:

--Demarcation of constituencies: April 15-May 15 (2009)
--Voter registration: June 2-Aug 2 (2009)
--Publication of voter register and appeals: August 3-31 (2009)
--Acceptance of nominations: September 1-November 6 (2009)
--Publication of nominations list for appeals: November 7 (2009)
--Final publication of nomination lists: November 10-27 (2009)
--Electoral campaign period: November 30-February 5 (2009-10)
--Start of Polling: February 6 (2010)
--End of Polling: February 21 (2010)
--Announcement of final results: February 27 (2010)

[1](#)3. (SBU) Kennedy noted that the NEC has already missed its first deadline - demarcation of geographical constituencies, but admitted that the NEC cannot move forward with constituency delimitation until official national census results are released (expected any day now). He indicated that a slip in constituency delimitation to May, June, or July is acceptable given the overall timeline. He highlighted an important issue, though - that even if census results were available, constituency delimitation could not occur without State Electoral High Committees in place. So far, the NEC has not

established these Committees or the Southern Sudan Electoral High Committee, nor provided clarity on the Committees' powers. Kennedy said that voter registration will in no way begin in June (per the NEC's intended date). The NEC has not yet put in place registration procedures, a recruitment plan for voter registration staff or a procurement plan. According to Kennedy, the NEC has only just recently asked the UN for a concept of operations for voter registration, which UNMIS delivered to it on April 27. The plan recommends that the NEC begin a rolling voter registration in August and carry it through until the end of October. This would allow registration to conclude three months before polling begins, which is a legal requirement per the national electoral law. Kennedy pointed to two downfalls of registration during this time: Ramadan and the rainy season, but noted that registration by these dates was necessary for elections to be carried out legally in February 2010. Kennedy also suggested to the NEC that it shorten the time periods for accepting nominations and campaigning, which would allow for registration to occur a couple of months later than intended (and thus avoid the heaviest months of the rainy season).

14. (SBU) Kennedy attributed the early lag in preparation to the NEC's still-shockingly low capacity (in terms of staff and funding). The nine NEC commissioners are involved in "day-to-day operations, when they should be involved in policy discussions," said Kennedy. The UNMIS Elections Chief expressed concern that the NEC has selected an "unworkable" operational model, which assigns Commissioners to operational work that should be done by technical staff instead [Note: UNMIS is also somewhat perturbed that the NEC disregarded its suggested NEC operational models, which were handed to the Commission soon after it was established. End note.] Kennedy also said that the NEC has been tasked by the Ministry of International Cooperation (MIC) to compose a comprehensive elections

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budget now that MIC is involved in coordinating overall (government and donor) support to elections. A lack of financial resources has thus far stymied the NEC's ability to hire staff and move forward on critical preparation. Kennedy said the NEC is having a difficult time coming up with a comprehensive, all-inclusive budget for the elections because it does not yet know what is required to pull off the elections. According to Kennedy, MIC wants to know "the entire price tag" of the elections and what portion of this donors will fund. Poloff asked Kennedy if any of his staff were sitting jointly with NEC at its new office. Kennedy expressed frustration that the NEC had chosen an office that was too small to accommodate growing staff, contrary to UNMIS' warning that the selected office space would be too small. As a result, no UNMIS staff is sitting at NEC HQ. Kennedy said UNDP is looking for a second location that NEC could use for its overflow staff, select UNMIS and UNDP electoral officers, and presumably some electoral implementing partners. Kennedy is still fighting to get a seat of his own at NEC HQ so he can directly work with the NEC Director and Deputy Director on high-level issues.

GETTING THE DARUFREBELS TO PARTICIPATE IN ELECTIONS

15. (SBU) Although Kennedy has been requesting a meeting with AU/UN Chief Mediator for Darfur Djibril Bassole for quite some time now, Kennedy said that Bassole is only willing to meet with him after the official electoral calendar has been released. According to Kennedy, Bassole wants UNMIS Electoral Unit staff to be involved in providing material on basic electoral principles and what to expect from participating in elections to rebel groups in Darfur. Kennedy is also going to try and negotiate a NEC-authorized agreement that would allow the UN movement control in rebel areas before and during elections in order to train the local populations to administer voter registration, polling and tabulation in rebel-held areas. The idea is that registration, polling and tabulation in these areas would be monitored by the UN. Bassole reported to Kennedy that most of the rebel groups still have negative feelings towards the elections and will not participate. Bassole requested that Kennedy travel to Doha in order to speak with the rebel factions about the importance of elections and encourage them to participate in the process. Kennedy was enthusiastic about this proposal.

UN ELECTORAL NEEDS ASSESSMENT MISSION

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16. (SBU) Kennedy told poloff that UNMIS Special Representative to the Secretary General (SGSG) Ashraf Qazi was able to convince UNHQ to send a UN Electoral Needs Assessment Mission (NAM) to Sudan in order to identify appropriate UN funding/staffing requirements to support UNMIS in its mandate to assist the Government of National Unity (GNU) and Government of Southern Sudan (GoSS) to carry out nation-wide elections (previously the team had refused to visit due to security concerns) (ref C). The team arrived in Khartoum on April 28 for a ten-day visit. It will visit Khartoum, Juba, and El Fasher. Kennedy noted that the NAM's findings will result in a supplemental UN budget request for UNMIS to support Sudanese elections. In light of the needs based on the rushed electoral timetable that the Sudanese have adopted, he requested that the U.S. put its full support behind this supplemental budget request.

TROUBLE AHEAD IF REFERENDUM PREPARATION NON-EXISTENT

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17. (SBU) Kennedy, who is always aware of the bigger picture of CPA implementation and its intended timeline and generally in touch with Sudanese politics, underscored his concern with the lack of movement on the Southern Sudan Referendum Bill. "Referendum preparation is already a year and a half behind," and it is imperative that the bill be passed in the current parliamentary session in order for preparation to adequately get underway so that the Referendum can occur in early 2011 (ref A). Kennedy and poloff discussed the primary hold-up of the Referendum law, which is the NCP's desire to work out post-2011 arrangements for wealth-sharing, debt repayment, Nile water-sharing, and other significant items, in return for negotiations on the modalities associated with conducting the Referendum. Kennedy suggested that if the legal framework for the Referendum will not be resolved anytime soon, that the diplomatic community encourage the NCP and the SPLM to identify a Referendum Commission so that preparation can get underway. In Kennedy's opinion, the legal framework could follow.

COMMENT

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18. (SBU) Now that the NEC has released an official elections calendar, it must begin to move forward with meeting intended deadlines - otherwise its ability to effectively organize elections

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will come into question. Some things, such as GNU funding and the release of census results, are out of NEC's hands, but the Commission needs to immediately recruit national staff and develop concrete policies, plans, and regulations so that preparations can move forward. Donors and the UN are willing and ready to assist the NEC with electoral preparation and the NEC would be wise to work in concert with these groups in order to get the elections ball rolling. Unfortunately, it seems as though a natural tension has already developed between the UN and the NEC. The NEC is driven by a number of keenly nationalistic personalities who do not want the international community playing a significant role in Sudan's elections (ref D). As a result, the NEC has already disregarded a number of the UN's proposals and the UN's frustration is slowly rising. That being said, the USG relationship with the NEC is on a very positive track with the recent registration of IFES, which will provide electoral administration support to the NEC, which was coordinated by NEC, MIC and the USG (ref B). As for Kennedy's suggestion of the parties establishing a Referendum Commission before the law is in place, this is unlikely to happen. Kennedy is rightly concerned that the parties are already drastically behind on referendum preparation, but it's in the NCP's nature (and interest) to continue to stall the Referendum and any preparations for it. Getting any movement on the Referendum (whether it be the law itself or the setting up of a Commission prior to the law) will take significant U.S. engagement with the parties on post-2011 arrangements. End Comment.

FERNANDEZ